Remarks

Supplemental IDS

Applicant files herewith a Supplemental IDS to US 6,462,156.

Section 102 Rejections

Claims 1-22 were rejected under 35 U.S.C. § 102(e) as anticipated by *Erker et al.* (US 6,486,277). The Applicant traverses, as *Erker* does not disclose Applicant's invention as claimed.

In particular, there is no disclosure in *Erker* of a discrete activator complex "wherein M is a Group 13 atom attached to a heterocyclic group (JY), wherein Y is a heterocyclic group comprising the at least one heteroatom J", were all groups bound to the "M", as defined by the chemical formula subscript "x", are the "JY" heterocyclic groups. In *Erker*, and in particular, the listing of specific examples from columns 5-69, all disclosed structures include at least one "perfluorophenyl" group—a group that is not a "heterocyclic group". In the genus defined in *Erker* in formula I, "R" is defined in such a way as to exclude "heterocyclic group[s]".

Thus, the Applicant requests that this rejection be withdrawn.

Claims 1-22 were further rejected under 35 U.S.C. § 102(e) as anticipated by *Holtcamp I* (US 6,632,770) and *Holtcamp II* (US 6,703,338). The Applicant traverses.

In *Holtcamp I*, the "Q" group does not describe Applicant's "heterocyclic group (JY)", as can be seen at column 2, lines 51-60 of *Holtcamp I*. Thus, the Applicant requests that this rejection be withdrawn.

Holtcamp II was filed June 28, 2002, after the effective filing date of the present invention. Thus, Applicant contends that *Holtcamp II* does not constitute prior art under 102(e), and this rejection should be withdrawn.

Double Patenting Rejections

Claims 21 and 22 were rejected under the judicially created doctrine of obviousness-double patenting as being unpatentable over:

- Claims 1-20 of US 6,610,803;
- Claims 1-19 of US 6,632,770;
- Claims 1-22 of US 6,632,901; and
- Claims 1-13 and 22-35 of US 6,703,338.

The Applicant traverses each rejection:

The US 6,610,803 patent does not disclose the "activator compound" as claimed in Claims 21 and 22, nor does this patent suggest such a feature. The US 6,610,803 cannot be said to disclose or make Applicant's claims 21 and 22 obvious for double patenting.

The US 6,632,770 patent, as discussed above, does not disclose the "activator compound" as claimed in Claims 21 and 22, nor does this patent suggest such a feature. The US 6,610,803 cannot be said to disclose or make Applicant's claims 21 and 22 obvious for double patenting.

The US 6,632,901 patent does not disclose the "activator compound" as claimed in Claims 21 and 22, nor does this patent suggest such a feature. The US 6,610,803 cannot be said to disclose or make Applicant's claims 21 and 22 obvious for double patenting.

The US 6,703,338 patent has as its earliest priority date June 28, 2002, a date that is after the earliest priority date of the present Application. Thus, given that a 20-year patent term on a patent issued from the present Application will terminate prior to that of the US 6,632,770 patent in due course, the intent in filing a "Terminal Disclaimer" would not be effective.

Thus, the Applicant requests that these Double Patenting rejections be withdrawn.

It is submitted that the case is in condition for allowance. The applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

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